

contained 2 fluid ounces, that each of the packages of flaxseed meal contained 4 ounces, and that each of the packages of boric acid and sulphur contained 16 ounces; whereas the said bottles and packages did not each contain the amount declared, but did contain a less amount.

On or about January 11, 1936, the defendant filed a motion to dismiss the information on the ground that it set forth no facts sufficient to constitute a violation of any statute of the United States. The said motion was argued by counsel for the Government and the defendant and was taken under advisement by the court. On March 2, 1937, the court entered an order overruling the motion. On April 9, 1938, the court vacated the said order, granted the defendant permission to refile its motion, and sustained the motion without opinion.

M. L. WILSON, *Acting Secretary of Agriculture.*

29253. Misbranding of Dr. Belding Skin Remidin. U. S. v. International Stock Food Co. and Erle B. Savage. Pleas of nolo contendere. Fine, \$50. (F. & D. No. 39793. Sample No. 36148-C.)

This product was misbranded because of false and fraudulent representations regarding its curative and therapeutic effects. It was misbranded further since it was represented to be absolutely harmless; whereas it contained mercuric chloride which is not absolutely harmless to the skin.

On March 1, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against International Stock Food Co., a corporation, and Erle B. Savage, an officer of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 6, 1937, from the State of Minnesota into the State of Montana of a quantity of Dr. Belding Skin Remidin which was misbranded. The article was labeled in part: "Dr. Belding Medicine Co., Minneapolis, Minn."

Analysis showed that it consisted chiefly of alcohol, water, glycerin, and a small amount of ethyl acetate and mercuric chloride.

It was alleged to be misbranded in that statements borne on the label falsely and fraudulently represented its therapeutic and curative effectiveness to help nature in restoring a healthful activity of the skin, to kill poison, to help prevent barber's itch, to help nature restore a healthful condition and to keep the skin healthy when paints and powder are used, to help nature excite the glands and pores to healthful action, to cause impurities to be expelled through the skin, and to stimulate the glands; its effectiveness as a treatment, remedy, and cure for herpes (tetter), eczema (salt rheum), rash, scald head, milk scald, any rough skin, scabies, plant poisoning, hives, scratches, barber's itch, ringworm, itching piles, parasitic diseases, dandruff, and other scaly or scabby eruptions of the skin; and its effectiveness as an absorbent.

It was alleged to be misbranded further in that the statement borne on the label, "Absolutely harmless to the most delicate skin," was false and misleading since it represented that the article was absolutely harmless to the most delicate skin; whereas it was not absolutely harmless to the most delicate skin but contained mercuric chloride, which is not absolutely harmless to the skin.

On March 1, 1938, a plea of nolo contendere was entered by the defendants and they were sentenced to pay fines in the total amount of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29254. Adulteration and misbranding of saline-dextrose solution. U. S. v. 14 Bottles of Saline-Dextrose Solution. Default decree of condemnation and destruction. (F. & D. No. 42370. Sample No. 15392-D.)

Samples of this article were found to be contaminated with viable mold and mold spores, whereas it should be sterile.

On May 19, 1938, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bottles of saline-dextrose solution at Omaha, Nebr.; alleging that the article had been shipped in interstate commerce on or about September 8, 1937, from Kansas City, Mo., by the Haver-Glover Laboratories; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Saline-dextrose Solution Each 500 cc contains d-Dextrose 10% Physiologic saline solution 90%."

Misbranding was alleged in that the statements on the label, "Saline-Dextrose Solution * * * Directions: attach transfusion outfit to the neck of the bottle, inject air into the bottle through the long needle provided for that purpose, puncture the puncture-sealed rubber stopper with the intake needle and insert at the other end into the place of delivery (skin or vein)," were false and misleading since they led the purchaser to believe that the article was a safe and appropriate medicament for parenteral administration; whereas it was not a safe and appropriate medicament for such use since it was contaminated.

On July 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29255. Misbranding of Nature's Herb Tablets. U. S. v. 3,800 Packages, et al., of Nature's Herb Tablets. Default decree of condemnation and destruction. (F. & D. No. 42379. Sample Nos. 17289-D, 17290-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 12, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,064 packages, 25-cent size, and 69 \$1.00-sized cartons of Nature's Herb Tablets at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, in the possession of Washington Herb Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the tablets contained plant material including aloe.

The article was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the article as a blood, liver, and kidney medicine; and as a treatment for torpid liver, kidney disorder, rheumatic pains, chills, fever and ague, malaria, sick and nervous headache, indigestion, constipation, liver complaint, dyspepsia, giddiness, sickness at the stomach, bad taste in the mouth, yellow skin, loss of appetite, costiveness, irregularity of the bowels, worms, stagnation of the blood, acid humors of the blood, pimples and rough skin, poison in the blood, scrofula, nasal catarrh, and nervous diseases.

On July 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29256. Adulteration and misbranding of ether. U. S. v. 80 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 42347. Sample No. 18104-D.)

Samples of this product were found to contain peroxide.

On May 10, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cans of ether at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about September 1, 1937, by the Mallinckrodt Chemical Works from St. Louis, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "ether," and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard was not stated upon the container. Misbranding was alleged in that the statement on the label, "fully conforms to all requirements of the U. S. P. XI," was false and misleading since it represented that the article conformed to all requirements of the eleventh revision of the United States Pharmacopoeia; whereas it did not conform to all of the said requirements since it contained peroxide.

On July 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29257. Adulteration and misbranding of sandalwood oil U. S. P. U. S. v. 9 Boxes and 4 Boxes of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. No. 42188. Sample Nos. 14156-D, 14157-D.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On April 13, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the